



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAY 16 2007

The Honorable Christopher Koch  
State Superintendent of Education  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001

Dear Superintendent Koch:

Thank you for your letter to Deputy Secretary Simon on March 16 regarding the difficulties Illinois had with its testing contractor and your request for flexibility from the Department. I apologize for the delay in responding to you.

We understand that the delay in providing adequate yearly progress (AYP) determinations for the 2005–06 school year to schools and districts in Illinois was due to problems with your contractor and beyond the control of the Illinois State Board of Education. Your March 16 letter lists the positive steps you have taken to avoid a recurrence of this situation and we appreciate that you and your staff have kept the Department apprised of the situation throughout the past year. Therefore, the Department will not withhold Title I, Part A State administrative funds from Illinois for failing to provide timely AYP determinations.

The Department approves your request to allow the 21 schools identified as in need of improvement for the first time based upon the tests administered in 2005–06 to offer supplemental educational services (SES), rather than public school choice, during the remainder of the 2006–07 school year and throughout the summer. You noted that the affected districts have funds available for tutoring and could immediately inform eligible parents of the opportunity to obtain SES for their child. I am approving Illinois' request for a flexibility agreement under section 9401 of the ESEA for the 2006–07 school year. This agreement permits the 9 districts and 21 schools identified by ISBE to provide, during the remainder of this school year and the summer, SES to eligible students in Title I schools in the first year of school improvement in lieu of public school choice, thereby reversing the statutory order specified in sections 1116(b)(1)(E) and 1116(b)(5)(B) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001.

Again, I apologize for the delay in responding. If you have any questions or would like to discuss this further, please feel free to contact me or Patrick Rooney ([Patrick.Rooney@ed.gov](mailto:Patrick.Rooney@ed.gov)) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.  
Acting Assistant Secretary

cc: Governor Rod Blagojevich  
Ginger Reynolds